IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18294 of 2004

Between:

Hillcrest Residential Welfare Association (Redg.) Visakhapatnam,
rep.by its President Goli Ramakrishna S/o late Kotiliogam,

Hindu, aged 53 yrs, D.No.10-1-6(2), Hillcrest Bunglow,
Siripuram Junction, Visakhapatnam.

... PETITIONER

AND

1 The government of Andhra Pradesh rep.by its Principal Secretary,

Revenue Deparatment , Secretariat Buildings, Hyderabad
2 The District Collector, Visakhapatnam, Visakhapatnam Dist.
3 The Speical Officer, Urban Land Ceiling,
Siripuram Junction, Visakhapatnam, Visakhapatnam district.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in not considering the petitioner's representation dt. 07/09/2004 is illegal and to direct the 3rd respondent to provide the petitioner with an opportunity to participate in the enquiry to be conducted in respect of the property in TS.No.75 an extent of 13,000 sq. yards (D.No.10-1-6) Hillerast Bungalow,Siripuram, Visakhapatnam and to allow the petitioner to pay the

requisite money to get benefit of the G.O.Ms.No.455 Revenue (U.C.I) Department, dt. 29/07/2002 being the persons in possession of the property since four decades.

Counsel for the Petitioner: MR.M.SUBBAIAH SASTRY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

It is obvious from the representation of the petitioner that respondents, before regularizing the property under G.O.Ms.No.455 Revenue (U.C.I) Department, dated 09-07-2002, have to hear the petitioner as requested by him. In absence of any evidence, which shows that the property was declared as a surplus land and vested in the government and when petitioner made an application for regularization in its favour under the said G.O., this Court cannot countenance the grievance of the petitioners and can grant the relief sought in the writ petition.

2. In view of the same, petitioner is at liberty to avail the remedies available to establish its right over the property if any adverse orders are passed against its interest.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 7, 2004

MRR

To:

1 The Principal Secretary, Government of Andhra Pradesh,

Revenue Deparatment , Secretariat Buildings, Hyderabad
2 The District Collector, Visakhapatnam, Visakhapatnam Dist.
3 The Speical Officer, Urban Land Ceiling,
Siripuram Junction, Visakhapatnam, Visakhapatnam district.

4 Two C.C. s to the G.P. for Revenue, High Court

Buildings, Hyderabad (OUT).

5 Two C.D. Copies.